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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 JEROME CEASAR ALVERTO ,

9 Plaintiff,

10 v.

11 MICHELLE HENDERLING, et al.,

12 Defendants.

Case No. C18-1380-BJR

**ORDER DENYING MOTION FOR
SUMMARY JUDGMENT**

13 The Court has reviewed Plaintiff's Motion for Summary Judgment, Defendants'
14 Response, the record and the Report and Recommendation ("R&R") of United States Magistrate
15 Judge Brian A. Tsuchida, and Plaintiff's Objections to that R&R. The R&R lays out the factual
16 and procedural background of this case and of the motion, which need not be repeated here. In
17 summary, Plaintiff filed a motion seeking judgment as a matter of law on his claims for
18 retaliation. At the heart of the retaliation claims are certain alleged statements of Defendants,
19 which in their Response to the motion Defendants deny having made. They support this denial
20 with sworn declarations.

21 As set out in the R&R, it is axiomatic that the Court cannot resolve genuine disputes of
22 material fact on summary judgment. Fed. R. Civ. P. 56(a); *Celotex Corp. v. Catrett*, 477 U.S.
23 317, 323-24 (1986)); *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 249 (1986). Plaintiff's
objection that Defendants' denials are "false" is irrelevant; those denials have been made under

1 oath. Granting of summary judgment is therefore inappropriate.

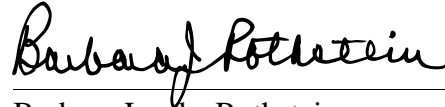
2 The Court therefore hereby orders:

3 (1) The Court adopts the Report and Recommendation;

4 (2) The motion for summary judgment, Dkt. 26, is **DENIED**

5 (3) The Clerk of Court shall provide a copy of this Order to plaintiff.

6 DATED this 18th day of November, 2019.

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10 Barbara Jacobs Rothstein
11 U.S. District Court Judge
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